

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.9441 of 2016

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1. Uday Prasad, son of Late Sita Ram Prasad, Resident of Mohalla- Mansoorganj, Patna City, P.O. Begumpur, P.S. Malsalami, District-Patna.
 2. Lawlesh Kumar Sinha, son of Late Birjnandan Prasad, Resident of village- Mahawar, P.O. and P.S. Daud Nagar, District- Aurangabad.
 3. Arjun Pandit, son of Late Kali Pandit, Resident of village and P.O. Keur Bazar, P.S. Hulasganj, District- Jehanabad.
 4. Bikrama Prasad, son of Late Jag Narayan Prasad, Resident of village- Bhusaula, P.O. and P.S. Darihat, District- Rohtas at Sasaram.
 5. Joga Singh, son of Lalu Singh, Resident of village and P.O. Urdina, P.S. Barun, District- Aurangabad.
 6. Sri Ram Prasad, son of Late Narayan Prasad, Resident of village- New Sidhauri, Narayan Tola, P.O. and P.S. Dalmia Nagar, District- Rohtas at Sasaram.

.... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Rural Works Department, Government of Bihar, Patna.
3. The Engineer-in-Chief- cum- Additional Secretary-cum- Special Secretary, Rural Works Department, Government of Bihar, Patna.
4. The Superintending Engineer, Rural Works Department, Work Circle, Aurangabad.
5. The Executive Engineer, Rural Works Department, Works Division, Aurangabad.
6. The Assistant Engineer, Rural Works Department, Works Sub- Division, Aurangabad.
7. The Finance Secretary, Finance Department, Government of Bihar, Patna.
8. The Principal Secretary, General Administration Department, Government of Bihar, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. S.B. K. Manglam, Adv.

For the Respondent/s : Mr. Avinash Kumar- SC30

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL JUDGMENT

Date: 27-07-2017

Although these petitioners have continued as a daily wagher since 1983 except petitioner No.2 who is continuing since 1985, as a road roller Khalasi yet their services of over three decades has not been found sufficient by the respondents to consider their case for



regularization of services. These petitioners were brought into work charge establishment vide order passed on 10.9.1990 present at Annexure-1 but which has been recalled by a subsequent order dated 6.11.1990. Resultantly petitioners have continued as a daily wager and there appears to be no dispute about the same. Before this court, it is because these petitioners have relied upon a resolution of the Finance Department dated 17.10.2013 to claim regularization as contained in Annexure-4 that the Superintending Engineer, Rural Works Department has mechanically filed his counter affidavit limited to that aspect and to contend that since petitioners are not work charge employees so they are not covered by the said Circular.

In my opinion, even if the cases of these petitioners is not covered by the Circular dated 17.10.2013 placed on record vide Annexure-C to the counter affidavit, they are definitely worthy of consideration under the circular no. 639 dated 16.3.2006 of the State Government which inter alia vests a right in a daily wager employed as until 11.12.1990 having a continuous service for past 5 years, for regularization of their services. There is no dispute that these petitioners have fulfilled the stipulations but yet their cases have not been considered for regularization against the Circular dated 16.3.2006 which would be applicable in their case.

In the circumstances, I deem it proper to dispose of the writ



petition with the direction to the respondent Nos. 3 and 4 to examine the case of these petitioners for regularization within a period of 3 months from the date of receipt/production of a copy of this order and dispose of the same in accordance with law by a speaking order.

A complaint has also been made regarding non payment of wages to these petitioners since August 2015. In my opinion, should the petitioner file a representation indicating their respective claim with supportive details along with the copy of this order, the same shall be considered and disposed of by the respondent No.5 in accordance with within a period of six weeks of receipt/production of such representation.

It goes without saying that if the authority concerned is satisfied that these petitioners have worked for the period so claimed, the wages should be paid to them within two weeks of the disposal of representation.

The writ petition is disposed of with the directions aforementioned.

Bibhash/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	03.08.2017
Transmission Date	NA

(Jyoti Saran, J)

